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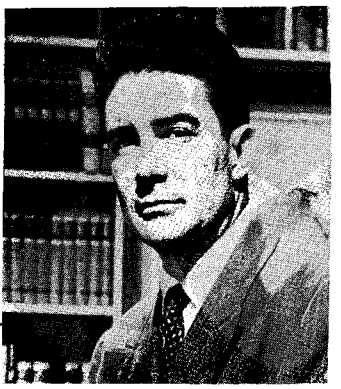

DAN SMOOT

DISCRIMINATION IN REVERSE

For years, supporters of civil rights programs claimed they wanted to eliminate racial consciousness in the United States so that members of minority groups — especially negroes — would be treated as individuals, without regard to race, color, or creed. To that end, many states and municipalities passed laws prohibiting all persons and organizations from considering the question of race in employment, housing, schooling, use of public facilities, and even in the use of private facilities which serve the public (restaurants, barber shops, hotels, stores, and so on). It has now become apparent, however, that civil rights supporters falsified their objective: they do not want to eliminate racial prejudice; they want to create it. They do not want negroes to be ignored *as negroes* and treated like other human beings: they want negroes to be given preferential treatment *because they are negroes.*

Politicians, trying to cater to the demands of racial agitators, are trapped by their own efforts. They are in the ludicrous position of demanding *violation* of their own anti-discrimination laws, in order to meet the demands of racial agitators for discrimination in favor of negroes.

The California Fair Employment Practice Act, for example, makes it illegal for a private employer to ask a job applicant what race he belongs to — or to require a photograph or any other document or information indicative of racial background. More than 100 cases a year against private employers have been handled since this California FEP Act was passed in 1959.

One typical case involved Lennie L. Andrews, a negro, employed as a coach cleaner in the Barstow, California, yards of the Santa Fe Railroad Company. Andrews did not like the job of cleaning coaches. He asked for promotion to the job of carman. The railroad refused to promote him because he had no aptitude for the job. Shortly thereafter (in March, 1960) Andrews was found asleep during working hours in a coach that he was supposed to be cleaning. He was fired. He complained to the California FEPC that he had been denied the promotion and had been fired

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because he was a negro. The FEPC, ignoring facts supplied by the railroad (facts strongly buttressed by the circumstance that the company has a large number of negro employees who have been retained and promoted on merit), ruled that the company had discriminated against Andrews. The FEPC ordered Santa Fe to reinstate Andrews in his old job, to give him 10 months' back pay, and to promote him at first opportunity.[1]

Another typical California FEPC case involved Clarence B. Ramsey. In January, 1961, Ramsey, a negro, applied for a job as shipping clerk with the T. H. Wilson Company, a photographic supply firm in San Francisco. The company, finding him unqualified, refused to hire him. Ramsey complained to the FEPC—which ruled that refusal to hire Ramsey was an act of racial discrimination. In August, 1961, the FEPC ordered the company to give Ramsey $2175.50—the amount Ramsey would have earned in wages from January to August, 1961, if he had been hired.[2]

Although outrageous, these two typical cases were handled under the pretext of enforcing the California law against racial discrimination in private employment.

In March and April, 1964, however, San Francisco was plagued with racial troubles because the Fair Employment Practices Act was being obeyed. Private employers, prohibited from considering race when hiring employees, were hiring on merit. Racial agitators, claiming that negroes were not getting their proportionate share of jobs under the merit system, demanded "quota hiring"—which means that all employers (public and private) must hire a fixed percentage of negroes, in all types of jobs.[3] In this connection, it is interesting to note that the Mayor of San Francisco says that negroes, who constitute 10.5% of the population, hold 17.1% of all municipal jobs.[4] It is also interesting to speculate on *how* the Mayor arrived at these statistics, since the California FEP law prohibits the compilation of facts about race in employment records. "Quota hiring," on the basis of race, obviously violates the California FEP law, which outlaws racial consideration as a basis for employment. Yet, car dealers in San Francisco, yielding to pressures, promised to adopt quota hiring.[19]

Quota hiring on the basis of race (to favor negroes), in open violation of laws which outlaw hiring on the basis of race, has been a practice in New York for some time. Governor Nelson Rockefeller and Mayor Robert F. Wagner try to meet all negro demands in New York City.[5] Consequently, New York City has more laws favoring negroes than any other place in the nation. Having obtained the very laws they wanted to "eliminate racial discrimination in employment," racial agitators in New York City demanded that these laws be violated so that negroes could receive preferential treatment. The City of New York complied, with open favoritism of negroes in municipal hiring.[6] Yet, negro dissatisfaction is greater in New York than anywhere else. The city has become a cauldron of racial tensions and violence.[5]

Racial segregation in the public schools of New York was outlawed years ago. Children were assigned to schools not on the basis of race, but on the basis of geography—sent to the schools nearest their homes. The result was that many schools were, in fact, segregated (*de facto segregation,* racial agitators call it): in predominantly negro neighborhoods, the schools were predominantly negro; and *vice versa.* Negro agitators did not complain that schools in negro neighborhoods were neglected or in any way inferior to schools in white neighborhoods. They complained that the absence of white children from all-negro schools "means a shortage of ambitious, education-minded models for Negro children to copy."[20] They—who had demanded the outlawing of racial consideration as a basis for assignment of children to public schools—demanded that the laws be violated so that children could be assigned to schools on the basis of race. New York City adopted the costly, tension-building, socially-disturbing, time-consuming practice called "busing." Children are not permitted to attend schools in their own neighborhood, if negro leaders allege "racial imbalance" in those schools. White chil-

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dren are hauled across the city to attend schools in negro districts, the negro children being hauled in another direction to attend schools in white districts.

On May 12, 1964, James E. Allen, New York State Education Commissioner, released findings of a special state advisory committee which had studied New York City's school integration problem. The committee reported that "busing" and all other efforts to effect racial integration have failed. There are now more predominantly negro schools in New York City than five years ago; but the committee has a plan to halt the spread of racial imbalance. The committee wants to reorganize the New York City school system. The committee recommends that New York City:

— abolish elementary schools and establish "primary units," for children (carefully mixed on a racial basis) from pre-kindergarten ages through the fourth grade;

— abolish junior high schools and establish "middle schools" (fifth through eighth grades), located for convenient mixing of negro and white children;

— build "educational complexes" of from two to six "primary units" around each "middle school": for convenient racial mixing;

— eventually replace the "educational complexes" with "educational parks, housed in newly developed structures on cleared sites."[7]

School officials estimate that the initial cost of these changes in the New York City school system will be 250 million dollars a year. They expect help from state and federal taxpayers.[7]

Leaders of negro agitation groups in New York even claim that capital punishment is discriminatory against negroes—because more negroes than whites commit crimes punishable by death. Mayron S. Isaacs, counsel of the Urban League of Westchester County, New York, told the New York State Commission on Revision of the Penal Code and Criminal Law that capital punishment inherently discriminates against racial minorities. He said that of 11 individuals executed at Sing Sing between 1957 and 1962, ten were negroes, the other a Puerto Rican. Mr. Isaacs said that capital punishment must be abolished, because:

"As administered in New York today, capital punishment is a symptom of and stimulus to, racial prejudice."[8]

In March, 1964, the Illinois Fair Employment Practices Commission completed investigation of a complaint by a negro that he was denied a job with Motorola, Inc., because of his race. Motorola said the negro had failed to pass the company's standard ability test for employment. The Illinois FEPC ruled that Motorola must abandon ability tests for job applicants, because:

(1) Ability tests are unfair to "culturally deprived and disadvantaged groups."

(2) Questions on the tests do not take into account "inequalities and differences in environment."

(3) Standards for passing ability tests are based on the standards of "advantaged groups."[9]

The FEPC said that all employers in Illinois must adjust their hiring practices to reflect "general convictions of economic need" among minority groups, and must "move positively" to achieve a proper balance of minority groups in their work force—though the Commission did not specify what a proper racial balance is.[9]

Thus, the Illinois FEPC, created in response to demands by racial agitators that all "racial discrimination" be eliminated in employment practices, assumes authority to control personnel policies of private employers, in order to force them to discriminate in favor of negroes, in compliance with demands of racial agitators.[9]

In Cleveland, Ohio, public school officials announced plans for several new school buildings. Various negro agitation groups, led by the Congress of Racial Equality, objected to the building of new schools in negro districts—claiming that the schools would be largely attended by negroes and would, therefore, be segregated. Cleveland school officials stood their ground. The agitation groups staged rallies and riots at the Education Building and at proposed sites for new schools.[10] Tensions mounted. Violence occurred. The climax came on April 7, 1964, when a white Presbyterian minister (one of the agitators) lay down immediately behind a bulldozer that was backing up

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to avoid two other agitators directly in front. The minister was killed. A bloody riot ensued.[11]

Montclair, New Jersey (where public schools have been integrated for years), had four high schools—one of them predominantly negro, being in a negro neighborhood. Civil rights agitators complained about this "racial imbalance." To satisfy the agitators, the Montclair school board closed the school in the negro district, permitting the negro students a choice of the three schools in other districts. White parents objected that negro students were given a privilege denied to white students: white students are assigned to a high school in their district and may not transfer to another. White parents initiated action in state court against the school board. In May, 1964, the New Jersey Supreme Court held against the parents. In effect, the court ruled that racial discrimination by a school board is permissible, when discrimination favors negroes.[11]

This double standard is even more noticeable at the federal than at the state level. Business firms working on government contracts are ordered to hire enough negroes to achieve "racial balance" in all kinds of jobs, regardless of personal qualifications. But even that is not enough. On May 12, 1964, President Lyndon B. Johnson announced that he was sending letters to 200 companies which have government contracts, demanding that company officials lobby, in their plants and in their communities, in behalf of the Civil Rights Act of 1964, now pending in the Senate.[12]

Agitation for civil rights legislation — long disguised as a demand for equal justice and opportunity for all, *regardless of race*—is now openly proclaimed as a demand for preferential treatment for negroes, *because of their race.*

On June 30, 1963, Martin Luther King (notorious negro agitator) demanded "discrimination in reverse."[13] That is, he wants preferential treatment of negroes in the form of financial aid from the federal government to provide negroes special advantages in employment, education, housing, and so on. On July 1, 1963, Lincoln Lynch, an official of the Congress of Racial Equality, demanded not only that government give negroes preferential treatment, but that it force private individuals and organizations to discriminate in favor of negroes.[14]

Adam Clayton Powell goes even further. He says:

"I want immediate desegregation, North and South. This means that in the school system there should be immediate busing in and busing out of the black neighborhoods. In employment, I want upgrading and retraining for Negroes; and legislation for the school dropouts and pushouts—those youngsters who don't qualify for graduation. And there should be preferential hiring . . . .

"I say, hire the black man. Preferential hiring is just, until a reasonable percentage of jobs for Negroes has been arrived at . . . .

"The black man has come to the conclusion that the white man has 'given' all he is going to give, and that what he needs now he must fight for. The 'Black Revolution' is now led by blacks. For years, the white liberals, with their specially chosen black liberals — not all of whom were truly liberal — monopolized the civil rights movement. The Negro is casting off the smothering mantle of paternalism.

"I think there should be one place set aside in Harlem where white people wait on Negroes."[15]

The Pending Bill

United States Representative Adam Clayton Powell (Democrat, New York) has been associated with many communist front organizations; he has been criminally indicted for income-tax frauds; his tours of foreign nightclubs with his "secretaries," at taxpayers' expense, have scandalized the nation; his hatred for the white man has been openly expressed and broadcast to the nation. This is the man who boasts that he told President Kennedy what to put in the Civil Rights Message of June 19, 1963—the message recommending legislation which became HR 7152, the Civil Rights Act of 1964, already passed by the House of Representatives, now pending in the United States Senate.[16]

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The pending Civil Rights Act is the most dangerous piece of legislation considered by Congress since the Reconstruction Era. It violates numerous specific provisions of the Constitution. It discards ancient, fundamental priciples of American jurisprudence. It neither provides nor guarantees civil rights for anyone. It would, rather, enact into law the demands of racial agitators that the whole system of American constitutional government be set aside for the purpose of giving preferential treatment to negroes in the United States.

In the February 10, 1964, issue of this *Report* ("Civil Rights"), I summarized the provisions of the Civil Rights Act, but did not dwell on the fact that it would violate *the most fundamental* of all American rights: the right of trial by jury.

The principle of trial by jury was first enunciated in the *Magna Carta,* signed by King John of England at Runnymede, June 15, 1215. Chapter 39 of the *Magna Carta* says:

"No freeman shall be arrested and imprisoned, or dispossessed, or outlawed, or banished, or in anyway molested; nor will we set forth against him, nor send against him, unless by the lawful judgment of his peers and by the law of the land."(17)

King John's Great Charter was the foundation stone of Anglo-Saxon Common Law, which became the Common Law of the United States. Our Founding Fathers, recognizing the ancient principle that all persons accused of crime have an inalienable right to be tried by a jury of their peers, asserted the principle in the Constitution, reasserted it in the Bill of Rights.

Article 3, Section 2, Clause 3 of the Constitution says:

"The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury . . . ."

The Sixth Amendment to the Constitution says:

"In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed . . . ."

The Seventh Amendment to the Constitution says:

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Under the Civil Rights Act of 1964, the Attorney General can obtain federal court orders against any individual or group of individuals (including state and local officials) whom the Attorney General accuses of violating any provision of the law. No matter what the court orders, the accused must obey, or be charged with criminal contempt. If the accused tries to resist or contest the court orders, the court can find the accused guilty of criminal contempt, levy heavy fines upon him, and send him to prison—without a jury trial (even without a public hearing, if the court please).

On May 6, 1964, Senator Thruston B. Morton (Republican, Kentucky) submitted an amendment to the Civil Rights Act, to require jury trials in criminal contempt proceedings arising under the Bill. The Senate rejected the Morton Amendment by a tie vote—45 to 45. On a parliamentary maneuver, a second vote was ordered. This time, the Morton Amendment was defeated by a vote of 46 to 45.

Several other jury trial amendments to the Civil Rights Act are still pending. All of them, however, place *limitations* upon an American's constitutional right to trial by jury. The Mansfield-Dirksen proposal, for example (Mike Mansfield, Democrat Senate Majority Leader; and Everett M. Dirksen, Republican Minority Leader), would guarantee trial by jury in criminal contempt proceedings under the Civil Rights Act, only in cases involving fines of more than $300 and jail sentences of more than 30 days. The Mansfield-Dirksen proposal (though it would render the Civil Rights Act a shade less vicious) is, nonetheless, an affront to constitutional principles. The Constitution guarantees trial by jury for persons accused of crime; and Congress has no authority whatsoever to change any provision of the Constitution.

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What To Do

For a more complete picture of the critical "race situation" in the United States, see previous issues of this *Report*: "The Mississippi Tragedy," October 8, 1962; "The Wages of Socialism," October 15, 1962; "Washington: The Model City," June 24, 1963; "The American Tragedy," July 8, 1963; "More Equal Than Equal," July 15, 1963; "Civil Rights," February 10, 1964. Reprints are available.

All members of the Senate should receive letters from millions of Americans demanding *rejection of all civil rights legislation.* You can play a part in educating others, by giving them a set of the above *Reports,* together with a copy of this issue. You may purchase all seven *Reports* at the special price of $1.00 a set, for a limited time.

Communism In The Civil Rights Movement

On January 29, 1964, J. Edgar Hoover, Director of the FBI, told the House Appropriations Subcommittee (in closed session) that communist influence in the negro civil rights movement is "vitally important." He said communists are not primarily interested in recruiting negroes for the party, but are exploiting the old communist principle that "communism must be built with non-Communist hands."[18]

In a subsequent *Report,* I will discuss communism in the civil rights movement.

A Letter To Lyndon

by Ida M. Darden, author of the hilarious My Night, *formerly editor and publisher of* The Southern Conservative

Dear Mr. President:

It is my understanding that you and your brilliant advisers have discovered a sure-fire remedy guaranteed to cure the economic disease of poverty, a malady which has plagued the human race since the beginning of time.

Heretofore, I have not had very much confidence in the promises of politicians as I have seldom known them to keep one, but maybe you've got something.

After all, if there is one place on the face of the earth where there is plenty of what it takes to cure poverty, it is the bustling and prospersous little city there on the banks of the Potomac where you live.

We all know, for instance, of bright, ambitious and aggressive young country boys who owned nothing but the seersucker suit on their back but who, after doing a stretch in Washington, have mysteriously acquired the financial status of a Wall Street banker.

Perhaps it is this magic formula for getting rich quick which, in simple justice, is now to be passed on down to the poor tax-paying boobs whose hard-earned cash has helped bring about these monetary miracles.

At any rate, you are to be congratulated for hitting on a gimmick of such universal appeal and there should certainly be plenty of patients who are ready and waiting in line to take this new poverty cure.

Assuming that the policy will be first come, first served, I am writing to ask that I be placed on the list for treatment of my own personal case of perpetual poverty at your earliest convenience. Not only has the proverbial wolf taken up permanent abode at my door, but has whelped several generations of pups during occupancy of my front steps.

Since mine is what you might call an advanced and long-standing case of privation and want and may require special treatment, I am prepared to be very reasonable in my demands. I will not, for instance, insist on a complete cure but will settle for having it halted or slowed down for several years, at which time some future statesman will no doubt turn up with a solution which will abolish poverty altogether and make everybody rich.

Neither will I expect to duplicate, or even approach, the fabulous feat of Bobby Baker whose prodigious leap from rags to riches—with no investment except a little black book of confidential information on his former employers—has given hope, encouragement and inspiration to all of us who are on the make for a fast buck but who have a built-in allergy to honest work in order to get it.

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So, all I am asking is that you just set me up with a little old town house in Georgetown with purple wall-to-wall carpets, cerise draperies and fuchsia bathroom fixtures along with a magenta-colored Cadillac so that I may impress my important contacts with my high standing among the powerful and the great. Also, please help me to get a job as manager of that combination luncheon club and strip tease joint there for the relaxation of tired lawmakers, which will give me a modest income and allow me to live in a mild state of luxury to which I have always wanted to become accustomed.

If you will grant me these simple favors, it will not only give me much-needed relief but I will do my part to help advertise the whole anti-poverty program by giving you a written testimonial that your remedy for acute destitution and chronic insolvency does all that is claimed for it.

FOOTNOTES

(1) "FEPC Orders Rail Worker's Reinstatement," *The Los Angeles Times,* March 1, 1961

(2) AP dispatch from San Francisco, *The Los Angeles Times,* August 24, 1961

(3) AP story from San Francisco, *The Dallas Morning News,* April 16, 1964

(4) "Quotas by Race in City Hall," *The San Francisco Chronicle,* September 9, 1963, p. 32

(5) "Washington Whispers," *U. S. News & World Report,* April 27, 1964, p. 19

(6) *U. S. News & World Report,* August 12, 1963, p. 4

(7) "Is School Integration A Failure In New York?", *U. S. News & World Report,* May 25, 1964, p. 8

(8) AP dispatch, *The St. Louis Post-Dispatch,* December 9, 1962

(9) "The State Will Do Your Hiring," editorial from *Chicago Daily Tribune,* reprinted in *The Shreveport Journal,* March 18, 1964; "Discrimination Against Ability," *The Wall Street Journal,* March 26, 1964

(10) UPI Story from Cleveland, *The Dallas Times Herald,* April 21, 1964, p. 4A; UPI story from Cleveland, *The Dallas Morning News,* April 8, 1964, Section 1, p. 1

(11) "Color-Blind Justice," editorial, *The Dallas Morning News,* May 10, 1964, Section 3, p. 2

(12) *Congressional Quarterly Weekly Report,* May 15, 1964, p. 950

(13) *The New York Times,* July 1, 1963, p. 21

(14) "CORE To Intensity Militancy on L.I.," by Ronald Mairoana, *The New York Times,* July 2, 1963, p. 14

(15) "Five Angry Men Speak Their Minds," by Gertrude Samuels, *The New York Times Magazine,* May 17, 1964, pp. 14, 110-1

(16) "Credit For Rights Message Rewrite Claimed by Powell," UPI dispatch from Long Beach, Calif., *The Dallas Times Herald,* June 23, 1963, p. 17A

(17) *An Encyclopedia of World History,* edited by William L. Langer, Houghton Mifflin Co., Boston, 1948, p. 197

(18) AP dispatch from Washington, *The Dallas Morning News,* April 22, 1964, Section 1, p. 2

(19) "Texts of Auto Row Agreements," *The San Francisco Sunday Chronicle,* April 19, 1964, p. 22

(20) "Should All Northern Schools Be Integrated?", *Time,* September 7, 1962, p. 33

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU getting BA and MA degrees, 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow, doing graduate work for a doctorate in American civilization. From 1942 to 1951, he was an FBI agent: three and a half years on communist investigations; two years on FBI headquarters staff; almost four years on general FBI cases in various places. He resigned from the FBI and, from 1951 to 1955, was commentator on national radio and television programs, giving *both* sides of controversial issues. In July, 1955, he started his present profit-supported, free-enterprise business: publishing *The Dan Smoot Report,* a weekly magazine available by subscription; and producing a weekly news-analysis radio and television broadcast, available for sponsorship by reputable business firms, as an advertising vehicle. The *Report* and broadcast give *one* side of important issues: the side that presents documented truth using the American Constitution as a yardstick. If you think Smoot's materials are effective against socialism and communism, you can help immensely—help get subcribers for the *Report,* commercial sponsors for the broadcast.

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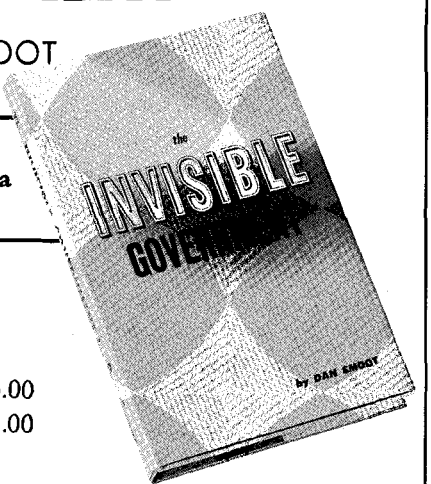

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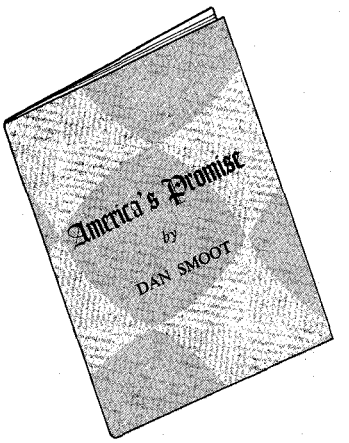

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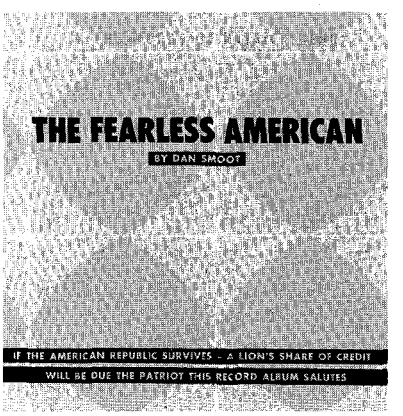
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